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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4331**  
Koji YANAI et al. : Docket No. 2001-1611  
Serial No. 09/990,385 : Group Art Unit 1652  
Filed November 23, 2001 : Examiner R. Hutson

$\beta$ -FRUCTOFURANOSIDASE AND ITS  
GENE, METHOD OF ISOLATING  
 $\beta$ -FRUCTOFURANOSIDASE GENE,  
SYSTEM FOR PRODUCING  
 $\beta$ -FRUCTOFURANOSIDASE, AND  
 $\beta$ -FRUCTOFURANOSIDASE VARIANT

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
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**RESPONSE TO RESTRICTION REQUIREMENT** TECH CENTER 1600/2900

Assistant Commissioner for Patents,  
Washington, D.C. 20231

Sir:

In response to the restriction requirement dated January 14, 2003, Applicants hereby provisionally elect the invention of Group I, claims 22-25. It is noted that this election is made by the Applicants while retaining their right to file a Divisional Application directed to the non-elected subject matter with the protection afforded by 35 USC § 121.

Claims 26 and 50-52, directed to non-elected subject matter, remain in the application. It is requested that they be permitted to remain in a dormant condition pending possible rejoinder under *In re Ochiai*, or the filing of a divisional application.

The Examiner accordingly is requested to proceed with an examination on the merits.

Respectfully submitted,

Koji YANAI et al.

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February 7, 2003

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